

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?

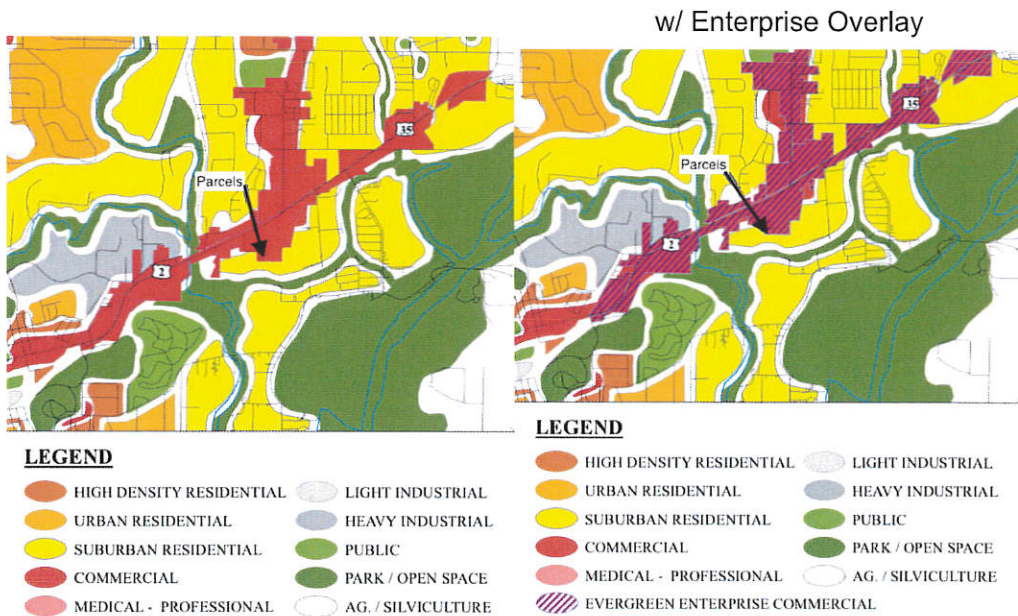
The parcels are bounded on all but the Spring Creek frontage side by the Evergreen Enterprise Area. The parcels themselves were likely not included because the parcels, though located within the established highway corridor, were not zoned B-2 or B-3 at the time of the Area's designation. Additionally the parcels are located in the flood fringe of the 100-year floodplain which has previously made development on these parcels difficult.

A similar upzone was recently granted to the adjacent parcel which houses The Woodlands, a high-density senior living development.

The Growth Policy defines portions but not all of the parcels as:

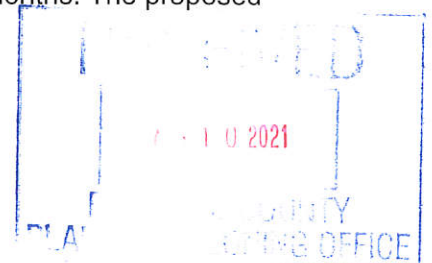
- a) Within the envisioned Evergreen Enterprise Commercial
- b) Commercial
- c) Suburban Residential

Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010



The Growth Policy and Neighborhood Plan's envisioned use is a combination of commercial and suburban residential. Among the stated goals of the Policy is to "Recognize areas in proximity to employment and retail centers as more suitable for higher residential densities and mixed use development."

The proposed project is adjacent to several large area employers, with more light industrial employers planning to locate nearby in the coming months. The proposed



project, in line with the Growth Policy's plan, will enhance access to affordable housing for employees of nearby commercial and retail establishments.

The parcels' current zoning allows for single family residential, though no such use currently exists on the parcels. It is the stated goal of the Neighborhood Policy to respect past designations but encourage more diverse uses that create "Vibrant highway commercial corridors in Evergreen, Montana filled with a variety of successful businesses that fully utilize existing services and infrastructure and that meet the many needs of the community." We believe the proposed project meets the County's urgent need for safe, affordable housing for working families and therefore complies with this goal.

While portions of the parcels nearest Spring Creek are designated as low density residential, there is a low probability such a use will be pursued as the parcels are bounded by commercial uses on all sides. Therefore a B-2 designation allowing for higher density multifamily housing is among the few uses that could aid in maximizing the Neighborhood Plan's stated goal of increasing vibrancy, access to services and access to housing for employees of the nearby commercial uses.

As noted, the parcels and proposed development are included in the flood fringe of the 100-year floodplain. A detailed study of the floodplain and adjacent wetlands was conducted. The proposed development will be developed above the 100-year floodplain for the Flathead and Stillwater Rivers, using the higher 100-year established FEMA level for the Flathead River, which is higher than the Stillwater's 100-year flood level.

The Evergreen Neighborhood Plan establishes the goal to "Allow commercial land uses in the flood fringe of the 100-year floodplain in the EEA provided that all new construction, alteration and substantial improvement of structures within the flood fringe of the 100-year floodplain is reviewed and approved in conformance with the FCF&FMR." Therefore the proposed development complies with this policy.

In our discussions with Planning Staff we understand that Staff does not believe a growth policy amendment will be required to support the zone change to B-2. Details of that discussion are in our submission. The proposed use complies with the urban growth plans in the area.

Application Questions

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?

The parcels are located within the boundary of the Kalispell Growth Policy but is not located within the annexation policy boundary. The Kalispell Growth Policy Planning Area Map designates the parcels as a combination of Urban Mixed Use and Urban Residential.

This request is an upzone that is envisioned by the Kalispell Growth Policy Future Land Use Map. A similar upzone was recently granted to the adjacent parcel which houses The Woodlands, a senior living development.

Urban Mixed Use includes allowance of "a compatible mix of higher-intensity uses including...medium and high-density residential and public facilities."

The parcels' location is nearby major employment centers and connected by two major area highways, enabling easy access to employment opportunities for its intended residents. The proposed use complies with the urban growth plans in the area.



In our discussions with Planning Staff we understand that Staff does not believe a growth policy amendment will be required to support the zone change to B-2. Details of that discussion are in our submission.

2. Is the proposed amendment designed to:

a. Secure safety from fire and other dangers?

The property is located approximately 1 mile south of the Evergreen Fire Station located on Highway 2, within the Evergreen Fire District. The property will be accessed via an improved road at signalized Sager Ln and a new road at Hwy 2. Both roads have direct access to Hwy 2 with ample access for emergency service vehicles.

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56 Sager Ln LLC

The Project's buildings will be sprinkled via a centrally monitored fire protection system. Per jurisdictional codes the Project will include an upsized 8" line and a looped water system with hydrant. The loop and size increase will likely improve pressures, provide redundancy, and bring the substandard pressure provided by the Evergreen Water District main up to a more typical size. The hydrants will further improve building safety and provide additional support to the planned sprinkler system.

The proposed use is sufficiently secured from fire and other dangers.

b. Promote public health, public safety and the general welfare?

The proposed Project, as detailed in the attached summary, is designed to support anticipated traffic counts and access for emergency responders, utility companies, and other providers via two, two-lane access roads that meet the County's roadway width standard.

The primary access is via signalized access at Sager Ln and secondary access/egress via a right-in/right-out intersection with Hwy 2. These access roads will meet the required 22-foot travel width sufficient for traffic counts and emergency responders.

Additionally, the Project will partner with adjacent property owners to support private snow clearing and road maintenance of the proposed roadways, including a section of unmaintained county road, Sager Ln.

Public health, public safety and general welfare are protected in the proposed use.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

As noted in the attached, we have reviewed the proposed Project with representatives of Public Works, Planning, MDT, Kalispell Water, Evergreen Water District and Evergreen School District. Our proposal and the details in the attached demonstrate that there is (or will be via impact fees) adequate transportation, water, sewerage, schools, and parks for the proposed use.

3. Does the proposed amendment consider:

a. The reasonable provision of adequate light and air?

The parcel's orientation, size, tree cover, and ample frontage to Spring Creek provide significant buffers to maximize available light and clean air to all residents and neighbors. The proposed development utilizes the ample open space to increase the availability of light and air.

The proposed development conforms to the proposed zoning's building height restrictions and minimum setbacks to maximize availability of light and air.

The proposed use provides for adequate light and air.

b. The effect on motorized and non-motorized transportation systems?

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Transportation impact is discussed in the attached appendix including guidance from MDT and planned roadway development.. Transportation system impacts are sufficiently mitigated in the proposed use.

c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?

The parcels are located within the boundary of the Kalispell Growth Policy but is not located within the annexation policy boundary. The Kalispell Growth Policy Planning Area Map designates the parcels as a combination of Urban Mixed Use and Urban Residential.

Urban Mixed Use includes allowance of "a compatible mix of higher-intensity uses including...medium and high-density residential and public facilities."

The parcels' location is nearby major employment centers and connected by two major area highways, enabling easy access to employment opportunities for its intended residents. The proposed use complies with the urban growth plans in the area.

d. The character of the district and its peculiar suitability for particular uses?

The parcels are surrounded by the Evergreen Enterprise Zone which is rapidly changing, bringing new jobs, entertainment and housing opportunities to working families of the area. The area is mostly commercial and light industrial.

The parcels' unique location places them behind large scale commercial buildings, creating a safe, quiet area for development.

The proposed use has minimal impacts on the character of the surrounding Evergreen Enterprise Zone.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?

The proposed amendment would conserve the value of buildings in the area and the proposed use would provide the most appropriate use of land by supplying safe and affordable housing for families working nearby.

The majority of the Project's neighbors are commercial use developments including major employers and retailers. These property owners benefit from an increase in nearby housing options which will have a direct positive impact on commercial property values.

4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

The proposed amendment follows similar non-industrial uses from the nearby Kalispell zoning area. B-2 zoning would conform to the intent of the Kalispell Growth Policy's Urban Mixed Use and Urban Residential designations. The City's B-2 allows for multi-family dwellings and that zone is typically found in areas designated as commercial and urban mixed use in the Kalispell Growth Policy Future Land Use Map.

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Flathead County Planning Board
DELIVERED VIA EMAIL SUBMISSION

Planning Board Members,

We are a group of Flathead Valley residents proposing the development of workforce-focused, market-rate rental apartments in Evergreen to help address the Valley's ongoing affordable housing shortage.

We intend to develop these housing units as long-term owners. We live and work in Flathead County and are invested in creating a comfortable, safe place for working families to call home.

In addition to a Zoning Map Amendment, the proposed Project would require a concession from the Planning Board due to the impact of past approved developments that have landlocked the parcels behind smaller-than-normal access pathways.

This letter details our request and plan to mitigate the effects of the concession.

We look forward to working with the Board Members and Staff to find a solution that brings additional safe housing options to the working families of Flathead County.

Project Description

This Zoning Map Amendment (ZMA) application relates to a proposed multifamily development Project on two adjacent parcels in Evergreen. The Project's purpose is to help solve Flathead Valley's persistent lack of housing for working families by initially developing approximately 72 units of high quality market-rate rental apartments.

The Project aims to develop a blend of 1 bedroom and 2 bedroom units at market rates similar to recent apartment developments in Kalispell and Columbia Falls. The location of the parcels provides easy access to Hwy 2 and Hwy 35 as well as a quiet, family friendly location along Spring Creek, tucked away from busy traffic corridors.

Project Team

The Project is proposed by a group of experienced developers and partners who call the Flathead Valley home, represented by Zach Ware, the Project's principal.

The Project engaged Jackola Architecture & Engineering in extensive diligence and site planning, alongside engagements with River Design Group (Whitefish) and Water & Environmental Tech (Whitefish).

Zach Ware is the Project's Principal Partner. He is an experienced developer, having overseen 45 acres of urban development in downtown Las Vegas, including the conversion of the former Las Vegas City Hall to a [corporate headquarters](#) and the ground up development of [The Container Park](#), a mixed use retail and entertainment complex developed from modular shipping containers.

Locally, Zach Ware is a partner in the Stumptown Inn in Whitefish, which is currently being remodeled and is a partner and founding Director at Local Bounti, a Hamilton-based indoor agriculture company with locations in Montana and Washington. These companies collectively employ nearly 100 Montanans.

56 Sager Ln & 1280 US Hwy 2E
Zoning Map Amendment Appendix

1 AUG - 4 2021

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Ask

We request the parcels be rezoned R-2 to B-2 to facilitate immediate and long-term development of much needed workforce housing in Flathead Valley.

Further, we are asking you to approve a right-of-way plan that substantially conforms to what's presented.

Although right-of-way is not typically a consideration for a zoning map amendment request, our discussions with Planning and Zoning and Public Works have centered around a concern that any development under B-2 zoning could not conform to the County's current 60' roadway right-of-way easement requirement.

The parcels are located behind two developments, the Super 1 and Staples, which were developed during a time when the County's roadway right-of-way standards were different, so the 60' roadway right-of-way easement requirement was not protected into these parcels. It is also located adjacent to The Woodlands which was granted access via a private road and, due to its security-focused design, is not available for passage into these parcels.

We are not asking to reduce the traveled width of the road just, the associated 60' roadway right-of-way easement. The 22-foot travel width adequately and safely serves countless homes and business in the jurisdiction and therefore is not a reduction in safety or your cost.

We need to be thinking holistically about the challenges 60' roadway right-of-way easement requirement brings. Many of these questions are usually reserved for site plan reviews and permit steps but we want to address them now.

Therefore we are asking for consideration and approval of the zoning change and the proposed right-of-way plan so as to reduce the risk that it will not be approved when we file for a Site Plan Review.

Area Discussion

The two parcels in this ZMA are currently zoned R-2 and are surrounded by parcels rezoned B-2 during recent developments. All adjacent parcels are included in the Evergreen Enterprise Zone.

This request is an upzone that is envisioned by the Future Land Use Map and an upzone that has been recently granted to the adjacent parcel which houses The Woodlands, a senior living development.

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The parcels' location is noted in the below figure.



Right of Way

In discussions with Public Works we understand the intent of the 60' roadway right-of-way easement requirement to be focused on achieving the below goals. Below you will find how we intend to solve each of them without the 60' roadway right-of-way easement:

1. Health, safety, and welfare

The apartment complex buildings will be sprinkled via a centrally monitored fire protection system. Per jurisdictional codes, we will be installing an upsized 8" line and a looped water system with hydrant.

The loop and size increase will likely improve pressures, provide redundancy, and bring the substandard pressure provided by the Evergreen Water District main up to a more typical size. The hydrants will further improve building safety and provide additional support to the planned sprinkler system.

2. Traffic access

The proposed Project utilizes the signalized intersection at Sager Ln as its primary two-lane access point, covering the costs of necessary improvements.

For safety reasons our proposal also includes a secondary right-in/right-out, two-lane access point via 1280 US Hwy 2E. The Project will cover costs to improve this pathway to handle this traffic. MDT has indicated support for this plan.

Both improved roadways will meet the County's 22-foot roadway standard via easements through adjacent properties.

Proposed designs are included with our submission.

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Letters of support from adjacent property owners are included with our submission.

3. Utility access

The Project relies on utility access via existing pathways on Sager Ln and the 1280 US Hwy 2E parcel which includes 20' of deeded land that joins Hwy 2. Utility providers have indicated no concerns with utilizing those pathways as primary utility paths, with priority given to utilizing the 1280 US Hwy 2E access whenever possible.

4. Snow removal

Sager Ln is not currently maintained by the County, although it is partially a deeded county road. We understand there have been issues with maintenance of the road.

Sufficient clearance exists between the Project and Super 1/Staples for private snow removal to dispose of snow piles without difficulty. Similarly, the 1280 US Hwy 2E parcel includes sufficient land area to dispose of snow piles.

5. Pedestrian and cycle access

Pedestrian access will be via a dedicated, marked pedestrian path on the northeast corner of the Project, hugging Super 1 until it meets the existing sidewalks at Hwy 2. This pathway is indicated in our submission.

6. Sufficient roadway widths

The traffic design proposed in Appendix C details the proposed improvements that will modernize Sager Ln, including sufficient roadway width to achieve the required 22-foot roadway width from the Hwy 2 traffic signal to the Project's primary access.

The secondary access point via 1280 US Hwy 2E, as designed in Appendix C, includes easements to achieve the required 22-foot roadway width onto Hwy 2.

These proposed designs are the result of surveys and title reports to ensure the required easements and improvements are achievable.

Additional technical detail is included with our submission.

We look forward to working with the Board Members and Staff to find a solution that brings additional safe housing options to the working families of Flathead County.

With Appreciation,



Zach Ware

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Project History

56 Sager Lane and 1280 US Highway 2E is a partnership of Flathead County residents to initially develop approximately 72 units of workforce-focused, market-rate rental apartments in Evergreen, MT to help address the Valley's ongoing affordable housing shortage.

The Project utilizes land area from an adjacent parcel, 1280 US Hwy 2E, which is included in this ZMA request.

The Partners engaged Jackola Architecture & Engineering in extensive diligence and site planning, alongside engagements with River Design Group (Whitefish) and Water & Environmental Tech (Whitefish).

The two parcels, totaling 13.55 acres, are located behind the Super 1 and Staples buildings on Hwy 2, adjacent to the Evergreen Enterprise Zone. The development detailed in this request will be built on the 56 Sager Ln parcel and utilize the 1280 US Hwy 2E parcel for a secondary access road. Though we have no current plans for development on the 1280 US Hwy 2E parcel, we are requesting the zoning change to facilitate future development, which would be reviewed by the Board in the future.

Zoning Review

Jackola applied for an initial zoning review through the Flathead County Planning and Zoning Office. On June 16, 2021 Jackola and Erin Appart met to discuss the application.

Items discussed at this meeting included:

- General development concept and land use, specifically apartment units
- Appropriate zoning type for apartment
- Growth policy compliance
- Parking requirement
- Spot zoning

The property is currently zoned R-2 and will require a zoning change to allow for apartment development as a permitted use. The B-2 zoning district is the only County district to allow apartments as a permitted use so it was selected as the most appropriate zoning for the proposed development concept.

The property is bordered on multiple sides by B-2 therefore it does not meet the test for spot zoning. While the proposed land use is partially aligned with the growth policy map, Staff indicated a believe that the map simply reflects current land use, not future. Flathead County staff does not believe a growth policy amendment will be required to support the zone change to B-2.

The County Planning Office indicated access may be a concern and recommended contacting the Road and Bridge Department. This was done with findings discussed elsewhere in this document.

Initial zoning comments, growth policy direction, and B-2 zoning are included in Appendix B.

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Access Permitting

To review access permitting Jackola contact both Montana Department of Transportation (MDT) and Flathead County Public Works. The MDT requirements address ingress and egress to and from US Highway 2, but generally stop at their right-of-way. Flathead County requirement focus on access from US Highway 2 across the adjacent parcels back to the property.

MDT was asked to provide preliminary comment on a proposed access design concept using Sager Lane as the primary and proposed a future secondary access between Staples and the adjacent gas station.

In general MDT indicated an encroachment permit and traffic analysis would be required for either option; however, it did not believe either concept presented any significant issues.

The Project's primary access will be located at a signalized intersection at Sager Lane and the secondary access via 1280 US Hwy 2E will be right-in-right-out.

It is worth noting that the Project's adjacent parcel, The Woodlands, relies on a private road (Woodlands Way) for primary access. The Woodlands is a senior housing condominium development designed to create a secure feeling for its residents. Therefore, because Woodlands Way is a private road *and* because we respect The Woodlands' security design, relying on primary access via an easement on Woodlands Way, a private road, is not an option for this parcel under any circumstances.

In discussions with the County Public Works Director he indicated that Woodland Way was a private drive and therefore the County could not mandate access. The right-of-way available for the approach between Staples and Super 1 did not meet the County's 60' roadway right-of-way easement requirement.

Appendix C contains the conceptual access configuration and the access easement for 56 Sager Lane.

Right of Way

The proposed development relies on two access points:

Primary

Two lane, two-way access via Sager Ln via a signaled intersection at Hwy 2 using an existing paved but unmaintained county road (Sager Ln).

The existing passageway between Staples and Super One is 27' wide, providing ample space for and lacks sufficient clearance for the county-required 60' roadway easement.

To achieve the 22-foot roadway an easement will be obtained from the owners of the Staples and Super 1 parcels before permit application, as designed in Appendix C. The proposed design is the result of surveys and title history reports to ensure the required easements and improvements are achievable. The necessary roadway improvements will be at the Project's expense.

1280 US Highway 2E LLC
56 Sager Ln LLC

It is important to note that the proposed roadway currently exists we understand there have been issues with maintenance of the road, given its unmaintained County road status. This Project will invest in improvements to bring that roadway to the required standards and partner with the owners of Super 1 and Staples parcel to maintain it.

Please find attached a letter of support from the property owner indicating their support for the Project.

Secondary

Two-lane, two-way access via the adjacent parcel, 1280 US Hwy 2E. The 1280 US Hwy 2E parcel includes a 20' strip of land that joins Hwy 2. To achieve the necessary 22-foot travel width along with required curb cuts, an easement will be obtained from the owners of the office building and convenience store. Sufficient clearance does exist to achieve the required 22-foot roadway width but not the 60' roadway right-of-way easement requirement.

This access point will be a right-in-right-out on to Hwy 2, as designed in Appendix C. The proposed design is the result of surveys and title history reports to ensure the required easements and improvements are achievable. The necessary roadway improvements will be at the Project's expense.

Please find attached a letter of support from the owner of office building parcel indicating their support for the Project.

Pedestrian

Pedestrian access will be via a separate pedestrian entry on the Project's northeast corner, hugging Super 1 via a marked path, serving as primary pedestrian access to Super 1, adjacent amenities, and Hwy 2. This proposed access is detailed on the included site plan.

Right of Way Discussion

The Super 1 and Staples were developed during a time when the County's roadway right-of-way standards were different, so the 60' roadway right-of-way easement requirement was not protected into these parcels.

Therefore while the parcels are accessible via access points with sufficient width for 22-foot travel width roadways, the 60' roadway right-of-way easement requirement cannot be achieved without demolishing structures, namely the Super 1 and/or Staples. Given that the parcels are adjacent to the Evergreen Enterprise Zone, these 13.55 acres cannot be developed without a concession from the County.

We're asking for a concession, proposing an arrangement that will provide unique benefits to the working families of Flathead County.

In discussions with Public Works we've understood the intent of the 60' roadway right-of-way easement requirement to be focused on achieving the below goals. Below you will find how we intend to solve each of them without the 60' easement:

7. Health, safety, and welfare

The apartment complex buildings will be sprinkled via a centrally monitored fire protection system. This will aid in protecting life safety and will help mitigate the

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effects of a known low water pressure issue discussed with Evergreen Water District.

8. Traffic access

The proposed Project utilizes Sager Ln as its primary two-lane access point. For safety reasons our proposal also includes a secondary right-in/right-out, two-lane access point via 1280 US Hwy 2E. The 1280 parcel is adjacent to the 56 Sager Ln parcel. We are acquiring the 1280 parcel to provide access to the 56 Sager Ln Project and for the purposes for future, though not currently planned, development.

Both improved roadways will meet the County's 22-foot roadway standard via easements through adjacent properties.

Letters of support from those property owners are attached to our ZMA.

9. Utility access

The Project relies on utility access via existing pathways on Sager Ln and the 1280 US Hwy 2E parcel which includes 20' of deeded land that meets Hwy 2. In discussions with utility providers, no concerns were raised about utilizing those pathways as primary utility paths, with priority given to utilizing the 1280 US Hwy 2E access whenever possible.

In the event utility repairs are necessary in the future, necessitating the short-term shutdown of one of the access points, the Project will have sufficient ingress and egress for the estimated traffic counts via one two-lane access, even though it may be slow for residents at times.

10. Snow removal

Sager Ln is not currently maintained by the County, although it is partially a deeded county road. We understand there have been issues with maintenance of the road.

Sufficient clearance exists between the Project and Super 1/Staples for private snow removal to dispose of snow piles without difficulty. Similarly, the area past the easements that provide the 1280 US Hwy 2E access point include sufficient land area to dispose of snow piles.

We intend to improve the existing roadways and partner with the owners of the adjacent parcels to manage private snow removal into our parcels, which have sufficient land area to store snow.

11. Pedestrian and cycle access

The primary and secondary access points lack sufficient right-of-way for continuous sidewalks. Therefore pedestrian access will be via a dedicated, marked pedestrian path on the northeast corner of the Project and hug Super 1 until it meets the existing sidewalks at Hwy 2.

12. Sufficient roadway width

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The traffic design proposed in Appendix C details the proposed improvements that will modernize Sager Ln, including sufficient roadway width to achieve the required 22-foot roadway width from the Hwy 2 traffic signal to the Project's primary access.

The secondary access point via 1280 US Hwy 2E, as designed in Appendix C, includes easements to achieve the required 22-foot roadway width onto Hwy 2.

These proposed designs are the result of surveys and title reports to ensure the required easements and improvements are achievable.

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Public Works and Sewer Review

On June 21st , 2021 Jackola met with the Evergreen Water District, Mark James and one other representative, to discuss the water and sewer services in the area.

The district did not indicate service for an apartment complex would exceed their capacity; however, they did indicate that water system improvement would likely require looping the new main and up sizing the existing 6-inch water line to 8-inch adjacent to the property. Also, it should be noted while volume exists for domestic water service pressures are lower in this area of the system. Due to this a booster station will be included and the buildings will be sprinkled to enhance fire safety.

The adjacent gravity sewer and lift station should have capacity to serve the development. The district did indicate both the district and the City of Kalispell will have impacts fees which will be paid by the Project.

Wetland and Floodplain Review (by River Design Group)

The preliminary wetland and floodplain analysis were performed by River Design Group. Specific personnel included:

The preliminary wetland review generally indicated the jurisdictional wetlands existed only adjacent to the spring creek and that development on the property would most likely not require additional wetland permitting.

The floodplain work involved updating the analysis done for the adjacent parcel. A key issue for the property is it locations at the junction of the Flathead and Stillwater Rivers. This means from a regulatory stand point the property could have two base flood elevations (BFE). The floodplain memo concluded finished floor elevations should be approximately 2918 feet or about 4-6 feet about the existing ground elevation.

Detailed memos and mapping are available on request.

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56 Sager Ln LLC

Appendix A

Metes and Bounds
56 Sager Ln

Legal Description

A tract of land situated, lying and being in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 9, Township 28 North, Range 21 West, M.P.M., Flathead County, Montana, more particularly described as follows to wit:

Commencing at the North Quarter corner of Section 9, Township 28 North, Range 21 West, M.P.M., Flathead County; thence along the North boundary of the Northwest Quarter of said Section 9;

South 89°37'18" West a distance of 655.41 feet to a point which is the true point of beginning of the tract of land herein described; thence leaving said North boundary and along the West line of the East Half of the Northeast Quarter Northwest Quarter;

South 00°02'20" West a distance of 679.95 feet more or less to a point on the approximate low water mark of Spring Creek; thence along said low water mark of Spring Creek the following courses and distances:

North 88°23'16" West a distance of 86.11 feet to a point; thence

South 82°55'34" West a distance of 131.90 feet to a point; thence

South 63°59'00" West a distance of 64.06 feet to a point; thence

South 59°40'42" West a distance of 59.58 feet to a point; thence leaving said low water mark;

North 00°00'06" East a distance of 749.80 feet more or less to a point on said North boundary of the Northwest Quarter of Section 9; thence

North 89°37'18" East along said North boundary a distance of 326.42 feet to the place of beginning.

Shown as Tract 1 of Certificate of Survey No. 6655.

Assessor No. 0246650.